

FILED

JUL 25 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) MAGISTRATE CASE NO: '08 MJ 8679

Plaintiff,) COMPLAINT FOR VIOLATION OF
v.) 8 U.S.C. § 1324(a)(2)(B)(iii)
Eddie Edel REYES) Bringing In Illegal Aliens
Defendant.) Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on July 24, 2008, within the Southern District of California, defendant Eddie Edel REYES, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Noe Juan Carlos LOPEZ Gudino, had not received prior official authorization to come to, enter and remain in the United States, did bring to the United States said alien and upon arrival did not bring and present said aliens immediately to a Customs Border Protection Officer at the designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached Statement of facts, which is incorporated herein by reference.

Izabel Figueroa
Izabel Figueroa, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY
OF JULY 2008.

Peter C. Lewis
PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Eddie Edel REYES

STATEMENT OF FACTS

The complainant states that this complaint is based upon the reports of the apprehending officers and the investigation conducted by United States Customs & Border Protection Enforcement Officer Izabel Fiqueroa.

On July 24, 2008, at approximately 06:38 P.M., Eddie Edel REYES arrived at the Calexico, California, West Port of Entry, as the driver of a 1991 Ford F-150 Pickup Truck.

During the primary inspection, REYES gave a negative Customs declaration to the primary United States Customs and Border Protection Officer (CBPO) Carlos Contreras. REYES stated to CBPO Contreras he had owned the vehicle for approximately four to five days and that he was going to Calexico, CA. CBPO Contreras stated that when REYES handed him his birth certificate, his hands were visibly shaking. Upon cursory inspection of the vehicle, CBPO Contreras discovered that the vehicle's seat was hard and he opted to escort REYES and the vehicle for further inspection.

In secondary inspection, United States Customs and Border Protection Officer (CBPO) Rigoberto Ramos conducted his inspection of the vehicle and he cut open the upholstery, lifted the seat and discovered an undocumented male, later identified as Noe Juan Carlos LOPEZ Gudino. LOPEZ Gudino was removed from the vehicle. REYES and LOPEZ Gudino were taken to the Port Enforcement Team for further disposition.

1 REYES was placed under arrest and advised of his rights per
2 Miranda in the Spanish language by United States Customs and
3 Border Protection Enforcement Officer (CBPOE) Izabel Figueroa
4 and witnessed by CBPO Ramon Munoz. REYES said he understood his
5 rights and would answer questions without an attorney present.

6 REYES stated he was aware the vehicle he was driving had a
7 person concealed under the seat of the vehicle. REYES stated
8 that an unknown male smuggle named "Jesse" had approached him
9 and told him that he could help him pay his electricity bill if
10 he would bring his vehicle across with someone concealed in it.
11 REYES stated he agreed and that he was going to be paid to bring
12 him in. REYES also stated he was going to drop off the
13 undocumented alien at the Wal-Mart in Calexico, CA.

14 Material Witness Noe Juan Carlos LOPEZ Gudino stated he is
15 a citizen and national of Mexico with no legal entry documents
16 to enter, reside or pass through the United States. LOPEZ Gudino
17 stated that he had made the smuggling arrangements with an
18 unknown smuggler in Mexicali, Mexico. LOPEZ Gudino stated he was
19 told that once he crossed, he would be told how much he was to
20 pay for being smuggled into the United States and that his final
21 destination was to be Las Vegas, Nevada were he was to be
22 reunited with his family. When presented with a photo line-up
23 LOPEZ Gudino was unable to identify REYES.

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1 || Material Witness:

3 Noe Juan Carlos LOPEZ Gudino MEXICO

Further, the complainant states that she believes said alien
is a citizen of a country other than the United States; that
said alien has admitted that he is deportable; that his
testimony is material, that it is impracticable to secure his
attendance at the trial by subpoena; and he is a material
witness in relation to this criminal charge and should be held
or admitted to bail pursuant to Title 18, United States Code,
Section 3144.

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